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BOSTON, MA 02109

EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,378

Applicant(s)

HELLMAN ET AL.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-13,15-24 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13,15-24 and 27-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 6, 9, 17, 19, 22, and 27 have been amended. Claims 1-6, 9-13, 15-24, and 27-38 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 9, 11-13, 15, 18-20, 22, 24, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikudome et al. (US 6,779,118 B1) and further in view of Ferguson et al. (US 5,819,092 A).

INDEPENDENT:

As per ***claims 1, and 19***, Ikudome teaches in a network, a method and a medium holding computer-executable steps to perform the method comprising the steps of: receiving a request to access information originating from a user selection of a controlled vocabulary abstract hyperlink (see col.1, lines 46-49), said controlled vocabulary abstract hyperlink including a URL (Uniform Resource Locator) address of a hyperlink redirection facility or server (see col.1, line 49: "URL link"), said hyperlink

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redirection facility or server being an intermediary performing redirection of said request (see Fig.2 and col.4, lines 50-52) and having more than one possible target profile for each request (inherent, hence the name "redirection server"); identifying a user-supplied preference regarding which service provider to use to service the request (see col.2, line 65-col.3, line 4; col.4, lines 35-39: "services allowed or denied"; and col.4, lines 40-49: "type of service"), said user-supplied preference being identified at the hyperlink redirection facility or server prior to any communication being sent from the hyperlink redirection facility or server to the user soliciting said preference (see col.4, lines 14-18 and col.5, lines 50-67); and directing the request from the redirection facility or server to a user for forwarding to a service provider for servicing the request based on the user-supplied preferences (see col.1, lines 54-58 and col.5, lines 21-30).

Ikudome does not explicitly teach that the controlled vocabulary abstract hyperlink includes a semantic value and said semantic value being at least one of a descriptive term and an identifier for the requested information. Ferguson teaches of a controlled vocabulary abstract hyperlink includes a semantic value (see col.26, lines 8-24) and said semantic value being at least one of a descriptive term and an identifier for the requested information (inherent).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Ikudome by implementing a hyperlink to include a semantic value for the requested information within the redirection method and program because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services"

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(see col.26, lines 21-23) and Ikodome teaches of additional structures (see col.5, lines 31-36 and col.7, line 64-col.8, line 11).

As per **claims 9 and 22**, Ikudome teaches in an electronic device, a method and a medium holding computer-executable steps for performing the method, comprising the steps of: receiving user-supplied information regarding a user (inherent, see: col.3, lines 3-4: database "contains personalized filtering and redirection information for the particular user ID") and link information regarding a controlled vocabulary abstract hyperlink to be resolved to a resource in response to the user selecting the hyperlink (see col.1, lines 46-49), said user-supplied information received at a hyperlink redirection facility (see col.3, lines 8-10), said link information including a URL (Uniform Resource Locator) address of said hyperlink redirection facility (see col.1, line 49: "URL link"), said redirection facility being an intermediary performing redirection of said request (see Fig.2 and col.4, lines 50-52) and having more than one possible target profile for each request (inherent, hence the name "redirection server"); identifying a resolution service to employ to resolve the hyperlink based on the user-supplied information (see col.2, line 65-col.3, line 4; col.4, lines 35-39: "services allowed or denied"; and col.4, lines 40-49: "type of service"), said user-supplied information being received at the hyperlink redirection facility prior to any communication being sent from the hyperlink redirection facility to the user soliciting said information (see col.4, lines 14-18 and col.5, lines 50-67); and forwarding at least some of the link information via said requesting user to the identified resolution service for resolution of the hyperlink (see col.1, lines 54-58 and col.5, lines 21-30).

Ikudome does not explicitly teach that the controlled vocabulary abstract hyperlink includes a semantic value and said semantic value being at least one of a descriptive term and an identifier for the requested information. Ferguson teaches of a controlled vocabulary abstract hyperlink includes a semantic value (see col.26, lines 8-24) and said semantic value being at least one of a descriptive term and an identifier for the requested information (inherent).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Ikudome by implementing a hyperlink to include a semantic value for the requested information within the redirection device, method, and program because Ferguson teaches that the “semantics attributes of hyperlinks provide some additional structure to online services” (see col.26, lines 21-23) and Ikodome teaches of additional structures (see col.5, lines 31-36 and col.7, line 64-col.8, line 11).

As per **claim 27**, Ikudome teaches in an environment having a redirection facility for redirecting a selected request from a requestor for a given resource to a service provider, a method of advertising, comprising: receiving the selected request at the redirection facility, said request being a user request to access information regarding a hyperlink (see col.1, lines 46-49), said redirection facility being an intermediary performing redirection of said request (see Fig.2 and col.4, lines 50-52) and having more than one possible target profile having information used to resolve each request (inherent, hence the name “redirection server”), modifying said selected request based upon a user-supplied preference (see col.3, lines 15-20 and col.4, lines 40-49), said

user-supplied preference being identified at the redirection facility prior to any communication being sent from the redirection facility to the user soliciting said preference (see col.4, lines 14-18 and col.5, lines 50-67); examining a criterion at the redirection facility (see col.4, lines 40-49: "rule sets"); and directing the modified selected request from the redirection facility to said user for forwarding to a service provider for servicing of the request (see col.1, lines 54-58 and col.5, lines 21-30).

Ikudome does not explicitly teach that the controlled vocabulary abstract hyperlink includes a semantic value and said semantic value being at least one of a descriptive term and an identifier for the requested information. Ferguson teaches of a controlled vocabulary abstract hyperlink includes a semantic value (see col.26, lines 8-24) and said semantic value being at least one of a descriptive term and an identifier for the requested information (inherent).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Ikudome by implementing a hyperlink to include a semantic value for the requested information within the redirection method because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services" (see col.26, lines 21-23) and Ikodome teaches of additional structures (see col.5, lines 31-36 and col.7, line 64-col.8, line 11).

Although Ikudome teaches of determining whether to present a particular web site to the requestor based on the examined criterion (see col.7, line 64-col.8, line 11),

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Ikudome does not explicitly teach of an advertisement. Ferguson teaches of an advertisement (see col.1, lines 18-21).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Ikudome by implementing presenting advertisements based on the examined criterion within the redirection method because Ferguson teaches that by advertisements the server (redirection server) can impose a fee to the advertiser (col.18, lines 33-35) thereby making the service commercial able and Ikudome further adds that "the invention may be implemented to control (block, allow and redirect) any type of service" (see col.8, lines 12-16).

DEPENDENT:

As per **claims 2 and 20**, Ikudome further teaches of comprising the steps of receiving a communication holding information about the user and using this information to identify the user preference (see: col.3, lines 1-4).

As per **claim 4**, Ikudome further teaches wherein the redirection facility has access to a database holding data regarding preferences of users and wherein the step of identifying the user preference further comprises accessing the database to access the data (see: col.3, lines 3-4).

As per **claims 11 and 24**, Ikudome further teaches wherein the step of identifying the resolution service comprises accessing data regarding services available to the user

and identifying the resolution service based on services available to the user (see col.4, lines 50-66 and col.5, lines 22-30).

As per **claim 12**, Ikudome further teaches wherein the electronic device is a computer system (see Fig.1 and Fig.2, #100).

As per **claim 13**, Ikudome further teaches wherein the step of identifying a resolution service comprises soliciting input from the user (see col.2, line 61-col.3, line 4).

As per **claim 15**, Ikudome further teaches wherein the soliciting includes soliciting for identification of subscription services to which the user subscribes (see claim 13 rejection above and col.7, lines 55-57).

As per **claim 18**, Ikudome further teaches wherein resource includes content, which is divisible into genres and wherein the hyperlink contains information regarding to which of the genres the hyperlink is to be resolved (see col.2, lines 50-53 and col.4, lines 40-41).

As per **claim 28**, Ikudome further teaches wherein the requestor is a user of a computer system (see Fig.1 and Fig.2, #100).

As per **claim 29**, Ferguson further teaches wherein the method further comprises the step of presenting an advertisement to the requestor (see claim 27 rejection above).

As per **claim 30**, Ikudome and Ferguson further teaches wherein the step of presenting an advertisement comprises sending video content over a network from the redirection facility (see Ferguson: col.15, lines 17-24).

As per **claim 31**, Ikudome and Ferguson further teaches wherein the step of sending video content comprises sending a web page with an advertisement from the redirection facility to the requestor (see claim 27 rejection above and Ferguson: col.10, lines 29-31).

As per **claim 32**, Ikudome further teaches wherein the criterion is a random criterion so that the determining is based on a random event (see col.5, lines 31-32).

As per **claim 33**, although Ikudome does not explicitly teaches wherein the criterion is when the requestor last received a previous advertisement from the redirection facility, Ikudome does teach of redirection after a triggered event (see col.5, lines 31-32: "condition").

However, this difference is only found in nonfunctional descriptive material and is not functionally involved in the steps recited. The redirecting of the user would be performed the same regardless of the type of triggering event. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ any criterion to trigger a redirection because such data does not functionally relate to the steps in the method claimed, because the subjective interpretation of the data does not patentably distinguish the claimed invention, and because Ikudome teaches that redirection may occur based on "some other condition" (see col.5, lines 31-32).

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As per **claim 34**, Ikudome further teaches wherein the criterion is how many requests for resources from the requestor have been received at the redirection facility (see claim 33 rejection above).

3. Claims 3, 10, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikudome et al. (US 6,779,118 B1) and Ferguson et al. (US 5,819,092 A), and further in view of Ebrahim (US 6,154,777 A)

As per **claims 3, 10, 21, and 23**, Ikudome and Ferguson do not explicitly teach wherein the communication comprises a cookie. Ebrahim teaches of communication comprising a cookie (see col.4, lines 12-17). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ebrahim within the system of Ikudome and Ferguson by implementing communication comprising cookie within the redirection device, method, and program because cookies are known in the art of sending and retrieving information such as handle, transaction ID, or other token of agreement between user's browser and web pages or between cooperating programs. Therefore such implementation incorporates preexisting technology to identify preference of the user.

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4. Claims 5, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikudome et al. (US 6,779,118 B1) and further in view of Ferguson et al. (US 5,819,092 A) and Kenner et al. (US 6,112,239 A).

As per **claims 5, 6, and 16**, Ikudome teaches in environment having a redirection facility, a method, comprising the steps of: receiving a user request to access information associated with a hyperlink at a redirection facility (see col.1, lines 46-49), identifying a user-supplied preference regarding which service provider to use to service the request (see col.2, line 65-col.3, line 4; col.4, lines 35-39: "services allowed or denied"; and col.4, lines 40-49: "type of service"), said user-supplied preference being identified at the redirection facility prior to any communication being sent from the redirection facility to the user soliciting said preference (see col.4, lines 14-18 and col.5, lines 50-67); and directing the request from the redirection facility to the user for forwarding to a service provider for servicing of the request (see col.1, lines 54-58 and col.5, lines 21-30), said request modified based on the user-supplied preferences (see col.4, lines 40-49).

Ikudome does not explicitly teach that the controlled vocabulary abstract hyperlink includes a semantic value and said semantic value being at least one of a descriptive term and an identifier for the requested information. Ferguson teaches of a controlled vocabulary abstract hyperlink includes a semantic value (see col.26, lines 8-24) and said semantic value being at least one of a descriptive term and an identifier for the requested information (inherent).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Ferguson within the system of Ikudome by implementing a hyperlink to include a semantic value for the requested information within the redirection method because Ferguson teaches that the "semantics attributes of hyperlinks provide some additional structure to online services" (see col.26, lines 21-23) and Ikudome teaches of additional structures (see col.5, lines 31-36 and col.7, line 64-col.8, line 11).

Although Ikudome teaches of does teach of directing the request from the redirection facility to the user to for forwarding (see col.1, lines 54-58 and col.5, lines 21-30), Ikudome does not explicitly teach of identifying a second service provider to use to service the request when the service provider fails to fully service the request; and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the user for forwarding to the second service provider.

Kenner teaches of identifying a second service provider to use to service the request when the service provider fails to fully service the request (see col.13, lines 16-18 & 31-35; and col.14, lines 15-31); and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the user for forwarding to the second service provider (see col.15, line 66-col.16, line 6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kenner within the system of Ikudome by implementing identifying a second service provider to use to service the request when

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the service provider fails to fully service the request and identifying the failed service provider within the redirection method because firstly, by providing a second service provider make the method more user-friendly (i.e., user is not waiting extended period while the provider has failed or user does not reattempt service via the redirection server, only to be directed again to the same failed provider) and secondly, by identifying the failed service provider, the information can be used to locate problematic sites (see col.16, lines 6-9).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikudome et al. (US 6,779,118 B1) in view of Kenner et al. (US 6,112,239 A).

As per **claim 17**, Ikudome teaches in an electronic device, a method comprising the steps of: receiving user-supplied information regarding a user and link information regarding a hyperlink to be resolved to a resource in response to the user selecting the hyperlink (see col.1, lines 46-49), said user-supplied information being received prior to any communication being sent to the user soliciting said information (see col.4, lines 14-18 and col.5, lines 50-67); identifying a resolution service to employ to resolve the hyperlink based on the user-supplied information (see); and forwarding at least some of the link information via the user to the identified resolution service for resolution of the hyperlink (inherent, see: col.3, lines 3-4: database "contains personalized filtering and redirection information for the particular user ID").

Although Ikudome teaches of does teach of directing the request from the redirection facility to the user to for forwarding (see col.1, lines 54-58 and col.5, lines 21-30), Ikudome does not explicitly teach of identifying a second service provider to use to service the request when the service provider fails to fully service the request; and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the user for forwarding to the second service provider.

Kenner teaches of identifying a second service provider to use to service the request when the service provider fails to fully service the request (see col.13, lines 16-18 & 31-35; and col.14, lines 15-31); and identifying the service provider that failed to fully service the request at the redirection facility before the direction of the request to the user for forwarding to the second service provider (see col.15, line 66-col.16, line 6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Kenner within the system of Ikudome by implementing identifying a second service provider to use to service the request when the service provider fails to fully service the request and identifying the failed service provider within the redirection device, method, and program because firstly, by providing a second service provider make the method more user-friendly (i.e., user is not waiting extended period while the provider has failed or user does not reattempt service via the redirection server, only to be directed again to the same failed provider) and secondly, by identifying the failed service provider, the information can be used to locate problematic sites (see col.16, lines 6-9).

6. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikudome et al. (US 6,779,118 B1) and Ferguson et al. (US 5,819,092 A), and further in view of Bennett (US 4,970,681).

As ***per claims 35-38***, Ikudome and Ferguson do not explicitly teach wherein said semantic value is an ISSN number (International Standard Serial Number). Bennett teaches of an ISSN number (International Standard Serial Number) (see col.1, lines 53-58).

However, this difference is only found in nonfunctional descriptive material and is not functionally involved in the steps recited. The redirecting of the user to the requested information will be performed the same regardless data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ any semantic value data because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Response to Arguments

7. In response to the argument regarding claim 17, it is clear from the newly discovered reference *Ikudome et al.* (US 6,779,118 B1) that the “user-supplied preference/information used to modify the request is identified/received” by the redirection facility before **any** communication being sent to the user. Since the prior art reference of *Van de Sompel* has been withdrawn, the arguments are moot in view of the new ground(s) of rejection. Furthermore, *Kenner et al.* (US 6,112,239 A) has been provided to explicitly teach the element of a “second service provider”. A “second resolution service”, although it might mean the same as a “second service provider”, has not been explicitly claimed.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Ikudome et al.* (US 6,779,118 B1) and further in view of *Ferguson et al.* (US 5,819,092 A) and *Kenner et al.* (US 6,112,239 A) because *Ferguson* explicitly teaches the element of a “semantic value”.

For the reasons above, the remaining independent claims 1, 9, 19, 22, and 27 have been rejected.

Applicant's arguments with respect to claims 1, 10, 21, and 23, as well as claim 27-34 have been considered but are moot in view of the new ground(s) of rejection. Respective references *Van de Sompel* and *Gerace* have been withdrawn.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

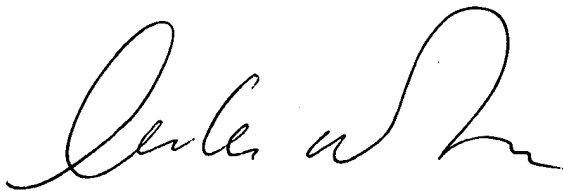
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a stylized, flowing script.

March 31, 2005

Bharat Barot.
BHARAT BAROT
PRIMARY EXAMINER